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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,006	10/29/2003	Kuo-Chi Tu	TS02-1033	7106

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EXAMINER

MITCHELL, JAMES M

ART UNIT	PAPER NUMBER
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2813

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Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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032606

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Commissioner for Patents

The reply filed on December 2, 2005 is not fully responsive to the prior Office Action because: applicant has failed to correctly identify the current status of each claim. Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

In response to applicant's contention that the non-elected invention needs not be withdrawn, because it is based on a generic claim that if allowed makes the non-elected claim allowed as well is incorrect. See M.P.E.P 821.04[R-3]. Non-elected claims must be withdrawn and if a generic claim is allowed then the withdrawn, non-elected claims may then be rejoined. Contrary to applicant's assertion that claim 46 is generic to both species, because claim 46 includes additional limitations than for example claim 25 it is not generic; although it may still be considered for examination purposes in both species. See M.P.E.P 806.04(d).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Mitchell whose telephone number is (571) 272-1931. The examiner can normally be reached on M-F 8:00-4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead Jr. can be reached on (571) 272-1702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jmm

CARL WHITEHEAD, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800